

5-7	Nonprofit Provider Board	Part 1 of 2
Authorizing Utah Code: 62a-5-103	Rule: R539-6-5	Provider Requirements
Approved: 9/9/99	Rule Effective:	Printed: 5/02
Form(s): None	Guideline(s): None	

POLICY

To ensure oversight of **Division** programs, each non-profit **Provider** shall have a board to assure a high quality of program standards, effective program administration, and continuing program development as required by **Utah Code Annotated**, Title 16, Chapter 6, Nonprofit Corporations.

PROCEDURES

1. The **Provider Agency** shall have bylaws which dictate the size of the board, constitution of membership, terms of membership, and method of selecting officers and new board members consistent with **Utah Code Annotated**, Title 16, Chapter 6, Nonprofit Corporations.
2. The **Division** recommends that **Provider Agencies** appoint several **Persons** and/or advocates of **Persons** who receive supports as board members.
3. **Provider Agency** staff and/or the relatives of **Provider Agency** staff may serve on the board, but may not make up a majority of the membership or board quorum.
4. The **Provider Agency** shall supply secretarial and staff support as requested by the board. The board agenda shall be established as a cooperative effort between the agency director or designee and the board chair.
5. The responsibilities of the board shall include the following:
 - A. Meet with a frequency sufficient to carry out its responsibility, at least quarterly.
 - B. Review and approve all program policies, standards, budgets, and administrative practices, including employee job descriptions, hiring and firing practices, salary levels, and other personnel issues. The board shall review and make decisions concerning any unresolved employee grievance.
 - C. Nonprofit boards shall conduct an annual review of the agency director's performance and submit a written appraisal to the director. (**Self-Directed Corporations** are exempt from this requirement.)
 - D. Review individual grievances when not resolved by staff or administration. Issue recommendations to the agency director for resolution of the grievance.
 - E. Hold meetings with **Persons** and parent groups or conduct surveys as needed to determine program satisfaction. (**Self-Directed Corporations** are exempt from this requirement.)
 - F. Record and approve minutes of meetings and document all actions taken by the board.
 - G. Perform other oversight responsibilities as the board sees fit in order to maintain the public

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H. trust in the state-funded service.

6. For non-profit agencies, either in the bylaws or agency policy, there shall be provision guardian against conflict of interest between a board member and the **Provider** organization as per **Utah Code Annotated** 16-6-33. This does not rule out a business relationship with the **Provider**, but does require a disclosure of the interest and the limits or exclusions required for a member's participation in discussions and voting on the matters in which there are conflicts. (**Self-Directed Corporations** are exempt from this requirement.)